



## *City of Miami Springs, Florida*

The Miami Springs City Council held a **REGULAR MEETING** in the Council Chambers at City Hall on Monday, April 13, 2009, at 7:00 p.m.

### **1. Call to Order/Roll Call**

The meeting was called to order at 7:33 p.m. after the Special Meeting and swearing-in of the new Council took place.

The following were present:

Mayor Billy Bain  
Vice Mayor Bob Best  
Councilwoman Jennifer Ator  
Councilman Daniel Espino  
Councilman George V. Lob

Also Present:

City Manager James R. Borgmann  
Assistant City Manager Ronald K. Gorland  
City Attorney Jan K. Seiden  
Chief of Police Peter G. Baan  
Finance Director Leacroft E. Robinson  
Comptroller Alicia E. González  
City Planner Richard E. Ventura  
Elderly Services Director Karen Rosson  
Grant Writer/Public Information Specialist Carol A. Foster  
City Clerk Magalí Valls

### **2. Invocation:** Councilman Lob offered the invocation.

**Salute to the Flag:** The audience participated.

**3. Awards & Presentations:**

**3A) Presentation from the Miami-Dade County Library System Regarding Construction Progress**

City Manager Borgmann announced that the presentation was rescheduled for the April 27, 2009 Regular Meeting.

**4. Open Forum:**

**Recognition**

Irene Priess of 449 Swallow Drive thanked Carlos Santana and the Chamber of Commerce on behalf of the Miami Springs Woman's Club for sponsoring the Candidates Forum. She said that Mr. Santana is an individual who had experienced underserved criticism, he has quietly gone out of his way to help others and he deserves recognition for his assistance in personally delivering and setting up the tables for the Candidates Forum.

**5. Approval of Council Minutes:**

None.

**6. Reports from Boards & Commissions:**

**6A) 03/17/2009 – Education Advisory Board – Minutes**

Minutes of the March 17, 2009 Education Advisory Board meeting were received for information without comment.

**6B) 03/26/2009 – Code Review Board – Cancellation Notice**

Cancellation Notice of the March 26, 2009 Code Review Board meeting was received for information without comment.

**6C) 04/01/2009 – Architectural Review Board – Cancellation Notice**

Cancellation Notice of the April 1, 2009 Architectural Review Board meeting was received for information without comment.

**6D) 04/07/2009 – Code Enforcement Board – Cancellation Notice**

Cancellation Notice of the April 7, 2009 Code Enforcement Board meeting was received for information without comment.

**6E) 04/08/2009 – Golf and Country Club Advisory Board – Cancellation Notice**

Cancellation Notice of the April 8, 2009 Golf and Country Club Advisory Board meeting was received for information without comment.

**6F) 04/09/2009 – Board of Parks and Parkways – Cancellation Notice**

Cancellation Notice of the April 9, 2009 Board of Parks and Parkways meeting was received for information without comment.

**6G) 04/14/2009 – Recreation Commission – Cancellation Notice**

Cancellation Notice of the April 14, 2009 Recreation Commission meeting was received for information without comment.

**6H) 04/06/2009 – Zoning and Planning Board – Cancellation Notice**

Cancellation Notice of the April 6, 2009 Zoning and Planning Board meeting was received for information without comment.

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City Attorney Seiden explained to the new Council members that the liaisons to the various boards report on the minutes and what was discussed at the meeting under this section of the agenda. The Board of Adjustment always requires Council approval of their actions, subject to the ten-day appeal period.  
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**6I) 04/06/2009 – Board of Adjustment – Approval of Actions Taken at their Meeting of April 6, 2009, Subject to the 10-day Appeal Period**

Actions taken at the April 6, 2009 Board of Adjustment meeting were approved, subject to the ten-day appeal period, on motion by **Vice Mayor Best, and second by Councilman Espino. The motion was carried 5-0 on roll call vote.**

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## **Complaint**

Angela Cruz of 851 Bluebird Avenue said that when she purchased her house there were serious irregularities that had to be fixed over time, which is a struggle because she is a single parent who supports her mother and child. She alleged that one of the Code Compliance Officers illegally entered her home and took photographs of her house, which she is in the process of modifying. She has visited the Building Department on numerous occasions to request copies of the plans for her house and has been unsuccessful. She has tried to speak with Assistant City Manager Gorland to resolve the matter; she would like her copies for a reasonable fee and does not want to be threatened by the inspectors.

Mayor Bain asked the Administration to provide a report for Council.

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### **7. Public Hearings:**

None.

### **8. Consent Agenda:**

#### **8A) Approval of the City Attorney's Invoice for March 2009 in the Amount of \$10,549.00**

There was no discussion regarding this item.

**Councilman Lob moved to approve. Vice Mayor Best seconded the motion which was carried 5-0 on roll call vote.**

### **9. Old Business:**

#### **9A) Consideration of Changing Utility Billing Cycle**

City Manager Borgmann noted that the concept to modify the billing schedule was previously presented to Council with the estimated savings over a two-month and three-month billing cycle. Council had expressed concern that a change in the billing cycle would present a hardship for seniors and those living on a fixed income. The Administration has gone back and re-worked the proposal in a way that would allow those who would benefit from monthly payments to stay on that schedule while the City moves to a quarterly billing cycle.

Finance Director Robinson introduced himself to the new Council members and congratulated them on their appointments. He advised them that he would be available at any time if they had any questions or concerns. He explained that the proposal before the Council is an adaptation from the one presented in January, and reiterated that Council voiced its concern on the impact a quarterly billing would have on seniors and those on fixed incomes.

Finance Director Robinson explained that the intent was to retain the City revenues while reducing billing costs and payment processing costs. They also wanted to encourage on-line electronic payments, and at the same time minimize any billing changes to seniors and those on fixed incomes.

The Finance Director credited Comptroller Alicia González and Cashier Mercedes Valero with compiling the information that is contained in the PowerPoint presentation that he will narrate. He pointed out that moving the remaining utilities to the County tax roll would have a negative impact on the City of about \$68,781 annually; those numbers could be fine-tuned, but even if they were eliminated entirely, it would still not be comparable to the City retaining the revenue and absorbing the cost of an additional full time cashier to process the quarterly payments.

Finance Director Robinson continued to explain that the recommendation is as follows:

1. Request that Council approve the funding for one full-time cashier to continue processing utility payments, building and code compliance payments and other cash receipts.
2. Request that Council approve changing the billing frequency from monthly to quarterly; there would be no change for senior citizens or those on fixed incomes if they so choose; they would have the option to decide over the next three months.
3. Request to switch the commercial storm water billing to a quarterly cycle instead of the current two-month cycle.
4. Request to reduce the hours of operation at the cashier windows from the current 8:00 a.m. – 4:45 p.m. to 9:00 a.m. – 4:00 p.m., closing from 12:00 – 1:00 p.m. for lunch.

Finance Director Robinson stated that they would like these conditions to go into effect on July 15<sup>th</sup> for billing cycle one and July 30<sup>th</sup> for billing cycle two. Resident notification would begin on April 30<sup>th</sup>. No changes would affect those seniors that elect to remain on the monthly schedule, but they want sufficient lead time to notify the residents.

Councilman Espino asked if there would be any incentives to encourage the electronic payments. He noted that the current set-up is not very user-friendly or efficient compared to other institutions.

Finance Director Robinson said that the City's website was being updated, with the intention of making the process easier for the residents to use. He pointed out that the transactional costs were actually a little higher using this option, but the actual process of applying the payments is much more efficient and cost effective for the City. Making the website more accessible and reducing the actual window hours should help encourage residents to use the electronic payment option, but there are no actual incentives at this time. Currently about 12% of the payments are processed electronically, and the goal is to double that number by this time next year.

Vice Mayor Best noted that the net impact is shown as -\$68,781, yet they are asking for a full time cashier position. He asked if that was outside of the funds budgeted for 2008-2009.

City Manager Borgmann noted that this amounts to a 6-month extension, and the item will be discussed again at the next budget meeting.

Finance Director Robinson explained that the budget included two full time cashiers through the middle of this fiscal year; only one position is filled at the moment. The statistics show that the volume has dropped only about 15% since the water and sewer was transferred to the County. He felt that if the City went to a quarterly billing one full time cashier should be able to manage the volumes on an annual basis. He pointed out that this would also free up about 55 man-hours per month with minimal impact to services. The credit card fees will be lower, along with off-site storage fees; the annual transactions have to be stored and retained for six or seven years, and that volume can be reduced about 60% by going to a quarterly billing. Electronic mail and night time deposits are more efficient to process.

In response to Councilwoman Ator's question, Finance Director Robinson replied that the City's projected billing cycle will be a month different from that of Miami-Dade.

Councilwoman Ator stated that the subject had come up while she was speaking to residents during her campaign, and several residents expressed concern regarding the proposed quarterly billing. She wondered if it was possible to also bill electronically.

Finance Director Robinson summarized the cost savings over a ten year period, pointing out that the City would benefit by almost \$2MM dollars over that time.

City Manager Borgmann reiterated that turning the billing over to the County would cost the City about \$68,000 a year; even with the extra staff position, the City would realize a benefit of about \$132,000 yearly.

Mayor Bain asked how the Administration would define seniors or those on a fixed income.

Finance Director Robinson said that those on fixed incomes could be considered on a case by case basis. Council could make a determination to define senior citizens. The City uses different ages for seniors: the Golf Course uses 55, and the Senior Center and Recreation Center use 60.

Councilman Lob asked if an increase in on-line payments would impact the new cashier position.

Finance Director Robinson reiterated that currently the number of on-line payments is about 12%, which is a small number compared to the volume processed over the past 15 months. The goal is to increase that to 25%, but it would be hard to say at this point when they would not need the full time position.

In response to Vice Mayor Best's question, Finance Director Robinson said that the average monthly bill now is \$52.80, and a quarterly bill would average \$160.00. He understood that times were tough right now, but pointed out that there were savings involved: two less trips to City hall or two less stamps. He thought it might be easier to budget on a quarterly basis and it would just require some discipline on the part of the resident.

Councilman Espino commented that setting a lower age limit for seniors allows more people to opt out of the quarterly billing, and he would be inclined to go with that option in order to give them flexibility.

Mayor Bain stated that he would like to set the age limit at 55, and review it in six months or so to determine the amount of participation. He was concerned about closing the cashier window from noon to 1:00 p.m. because many people come in on their lunch hours to pay bills.

Finance Director Robinson said that they had charted the number of transactions on an hourly basis during the entire month of January. On average, 8.2% of the transactions occurred between 8:00-9:00 a.m., and 6.4% after 4:00 p.m. The peak period is between 9:00 a.m. and 10:00 a.m. at about 18.5% and it drops off through the lunch period and then picks up again until about 4:00 p.m. The statistics back up the decisions that were made, and frees up about 55 man-hours each month that can be devoted to on-going customer service.

In response to Vice Mayor Best's question, Finance Director Robinson replied that he felt setting the age limit for seniors at 55 was a little low and he would prefer it to be closer to 60. His estimates were based on the 2000 census numbers, which showed that 15% of the residents of Miami Springs were over the age of 65, and he assumed that maybe 25% of the senior account holders would opt for the quarterly billing.

Councilman Espino said he did not consider anyone that was 55 a senior citizen.

Councilwoman Ator suggested that when the option is presented to the seniors they be made aware of the savings to the City.

Mayor Bain reiterated that they were being asked to make a determination on the age limit for senior citizens, reduce the hours at the cashier windows, and change over to a quarterly billing cycle.

**Councilman Lob moved to set the age at 60 years old. Councilman Espino seconded the motion which was carried 4-1 on roll call vote, with Mayor Bain dissenting.**

**Councilwoman Ator moved to approve the proposed hours. Vice Mayor Best seconded the motion.**

Councilman Espino clarified that the motion is to approve the hours of 9:00 a.m. to 4:00 p.m. Monday through Friday, closing for lunch Monday through Friday from noon to 1:00 p.m.

**On roll call vote the motion was unanimously carried.**

City Attorney Seiden clarified that the option to remain on a monthly billing cycle would be offered to seniors and those on fixed incomes.

**Councilman Espino moved to approve quarterly billing, allowing senior citizens 60 years and older and those on fixed incomes as determined by the Administration, to be able to maintain a monthly billing. Councilman Lob seconded the motion, which carried unanimously on roll call vote.**

City Manager Borgmann clarified that the funding for the second full time position ran out on March 31, 2009. The request is to extend the position for six months.

**Vice Mayor Best moved to extend the funding, which expired on March 31<sup>st</sup>, for one full-time cashier position for six months. Councilman Lob seconded the motion.**

For discussion, City Attorney Seiden advised that they could vote on the matter tonight, but it would not be effective until a budget resolution is adopted at the next meeting.

**The motion passed 5-0 on roll call vote.**

#### **9B) Approval of Contract with B. W. Sprague, Inc. for Construction Management of the New Community Center**

City Manager Borgmann stated that of the companies that responded to the City's Request for Qualifications (RFQ), Council had chosen B. W. Sprague, Inc., and he was instructed to negotiate a contract for the construction management of the new Community Center. The Administration enlisted the services of Attorney Vivian Montz, who had assisted the City with the construction contract with Link. City Attorney Seiden, Attorney Montz and he spoke with Mr. Sprague on April 8, 2009 to discuss the proposed contract. At this time, he believes they have reached a viable agreement that will, in all likelihood, not exceed a price of \$165,000. The price is broken down as follows:

Pre-construction period (8 weeks)	\$12,000
Construction services (52 weeks)	72,000
Construction management fee	81,000



City Manager Borgmann said that the Administration has been told that the construction management fee can be anywhere from the 5% - 7% range, so it was felt that this was a good rate. Mr. Sprague advised them that some of the pre-construction fee might not be needed because the project has progressed to its present point prior to his involvement. Should the construction phase exceed the 52 weeks, Mr. Sprague could recoup the cost of any extra weeks via the savings from the pre-construction costs. The Administration is asking for approval to execute this contract, a copy of which is included for review.

City Manager Borgmann said that Mr. Sprague was present to answer any questions the Council members might have.

City Attorney Seiden explained that there were a few items that needed to be adjusted and were taken care of last week. He clarified that this is a 'capped' contract, meaning that it will not exceed the bottom line, unless the City decided to expand the project in some way. He reiterated that Mr. Sprague had told them that he believed he could save some time and money in the pre-construction phase of the contract; he has already started to review some of the purchasing that will be done and believes he will be able to realize some savings in that area also.

Mayor Bain asked if there were any questions from the Council members.

Councilman Espino clarified that the pre-construction and construction services fees were the amounts that could potentially be reduced.

**Vice Mayor Best moved the item. Councilman Espino seconded the motion which was carried 5-0 on roll call vote.**

Vice Mayor Best noted that Mr. Sprague had mentioned in his original presentation to Council that he would immediately put aside 5% of the construction contract. He liked that idea, and asked if that had been done.

Mr. Sprague said he was meeting with Orlando Ceballos of Link Construction the next day to go over the budget. He already had several ideas in mind, but needed to collaborate with Link.

## **9C) Review and Discussion of Appointments to Advisory Boards**

City Manager Borgmann stated that Council may want to postpone consideration of the Liaison assignments to the various boards and commissions since there are three new Council members. The Mayor does not sit as Liaison to any of the Boards and Vice Mayor Best is the only one who has particular board assignments.

Mayor Bain requested a list of the current advisory board liaisons and which positions are vacant.

Councilman Espino stated that he was prepared to make an appointment to fill his seat on the Board of Adjustment. He **appointed** Ernie Aloma to fill an unexpired term ending on April 30, 2010.

City Attorney Seiden commented that the Mayor had appointed Eric Richey to the Board of Parks and Parkways and Connie Kostyra to the Code Review Board. They both are senior members who have served a long time and have much experience, which is valuable to the boards. There are also certain appointments to various boards that require Council approval if they exceed a certain term limit.

To answer City Attorney Seiden's question, Mayor Bain said that he would call Mr. Richey and Ms. Kostyra to see if they would like to continue serving on the boards and the appointments could be made at the next meeting.

Councilman Lob **re-appointed** Clark Rinehart to the Recreation Commission for a full term ending on April 30, 2012.

Councilman Lob **re-appointed** Michael Windrem to the Historic Preservation Board for a full term ending on February 28, 2012.

City Attorney Seiden advised Council that they could contact the City Clerk to inform her of board appointments and the announcement would be made at the next meeting.

City Manager Borgmann added that any of the sitting board members could be replaced by Council at any time regardless of the term expiration.

## **10. New Business:**

### **10A) Recommendation that Council Award Bid No. 02-08/09 for the Curtiss Mansion Historic Restoration to Carivon Construction Company, in the Amount of \$1,611,410.00**

City Manager Borgmann stated that this was another historic moment for Miami Springs, and several Curtiss Mansion Inc. (CMI) members were instrumental in helping the Administration to make the recommendation to award the contract to Carivon Construction Company. In addition, the Administration has been advised that the Local Agency Program (LAP) Agreement with the Department of Transportation (DOT) has been extended, so the \$1MM that was promised for the project is safe.

City Manager Borgmann noted that the remainder of the funding that will be paying for this project up to this point will be the \$1MM that was received from the general obligation bonds; 17% of that amount was allowable for design costs, etc. The remaining amount is sufficient to cover to cover the \$1.6MM contract that is before Council now.

City Attorney Seiden explained that when the group met for the purpose of the re-bid, there was discussion concerning some of the language that needed to be added. A provision was added that states that CMI wanted to have the opportunity to have the base bid and the alternate bid; these are two different projects which will follow one another. The benefit of combining both projects in the same bid process is that the company that is awarded the bid will have to keep the Alternate #1 price available for a six month period. Hopefully the additional funds will be secured from the federal government in the interim; if they are not, that part of the project will have to be re-bid. The bid language required that both parts of the projects be considered when awarding the bid.

City Attorney Seiden continued to explain why the various bidders were disqualified, and said that of the three companies considered qualified to bid, Carivon was chosen because its 'base bid' came in under the amount the City has available in funding. The bid tabulation sheet was included in the packets for Council to review. He reiterated that if additional funds for Alternate #1 cannot be secured before the initial phase is complete, that portion will have to be re-bid.

City Attorney Seiden clarified that Council approval will carry the provision that before a contract is actually signed, the Administration and the CMI committee will review the bid sheets to ensure that the correct numbers were submitted.

Jo Ellen Morgan-Phillips, President of CMI, congratulated the Council members and reiterated that this was a historic night for the City. She wanted to recognize the people who have made this project possible. She explained that CMI is a group of volunteers that have devoted hundreds of thousands of hours towards this project; the committee is filled with professional people that have probably saved the City close to \$850,000. She noted that CMI will be able to save the City an additional \$165,000 by volunteering to provide the property management for the project.

Ms. Morgan-Phillips asked the members of the CMI group that were in the audience to stand and be recognized, and thanked them again for all the time and effort they have donated. She particularly wanted to thank Mr. Joe Derry for his special contribution of personal funds at a time when the group was on the verge of financial collapse. She hoped that the next Council swearing-in ceremony could be held at the Curtiss Mansion.

Ms. Morgan-Phillips invited everyone to stop by and look at the mansion; even though it looks pretty bad right now, progress is being made. The pond was just de-mucked at a cost of \$10,000, taking advantage of the drought conditions, which was a significant savings over the \$180,000 - \$250,000 that was originally quoted when the pond was full. She again congratulated all the contributors and the City for allowing this project to move forward.

Councilman Espino noted that Ms. Morgan-Phillips should be recognized for her distinguished leadership of CMI; she has been able to coordinate a diverse group of people.

**Councilman Espino moved to approve the award of Bid No. 02-08/09 to Carivon Construction in the amount of \$1,611,410.00, with the condition that they provide the appropriate documentation in the bid packet. Vice Mayor Best seconded the motion.**

City Attorney Seiden added that confirmation is required to show that the proper plans were used in developing their bid.

**Councilman Espino amended his motion and Vice Mayor Best seconded the amended motion.**

City Attorney Seiden clarified that the contract would award the alternate option, it will be part of the contract, but it would not be effective until the City advises that funds are available.

Councilwoman Ator explained that the motion specifically stated the price for only the first portion.

City Attorney Seiden agreed with Councilwoman Ator that the motion was not correct.

**The motion and second on the floor were withdrawn.**

City Attorney Seiden stated that it would be appropriate to move the award of Bid No. 02-08/09 for the Curtiss Mansion Historic Restoration project to Carivon Construction Company in the total bid amount of \$2,981,240, subject to the conditions of the bid documentation, and also subject to the confirmation by the City and the CMI Review Committee of usage of proper plans and specification utilization for the determination of the bid.

**Councilman Espino moved the item and Vice Mayor Best seconded the motion as stated.**

To answer the Mayor's question, City Attorney Seiden said that the Request for Proposal states:

*"As previously stated, this Request for Proposal also includes one additive alternate item. It is necessary for a bidder to furnish information for Additional Alternate # 1 to be considered for the award of the contract for the base bid. The information and price associated with the Additional Alternate # 1 will be considered in the decision to award the contract for the base bid. Owner's analysis of the cost component of a proposed bid will consider the base bid and will consider grand total bid (base bid plus the Additional Alternate Bid, which will be selected at the City's sole discretion). Owner reserves the right to decide whether to proceed with the construction of Additional Alternate # 1, based upon availability of funding and City's discretion, as well as the right to enforce the terms regarding Additional Alternate # 1 in the proposal accepted for the Base Bid, until and/or within one hundred eighty (180) days after award of the Base Bid."*

City Attorney Seiden clarified that Council is awarding the entire contract, but if funds are not available or the City chooses not to proceed with Alternate # 1 based on its discretion, it is not required to proceed, unless the option to do so is exercised within 180 days.

Councilman Espino asked if this would protect the City against liability pursuant to Florida Statutes.

City Attorney Seiden reiterated that the City is reserving the right whether or not to proceed with the construction of Additional Alternate # 1 based upon availability of funding and the City's discretion, as well as the right to enforce the terms regarding Alternate # 1 in the proposal accepted for the base bid, until or within 180 days.

Roy Rodriguez of 564 Palmetto Drive was of the opinion that Council could only award the base bid unless they have the funding for the Additional Alternate Bid # 1.

City Attorney Seiden responded that the contract is based upon the bid, which includes the Alternate Bid, which binds the City to proceed with the Alternate within 180 days. It should be ultimately clear for the record that despite the fact that the contract would be for the total amount, the Alternate Bid is not part of the contract unless the City elects to make it part of the contract within 180 days. It is there at the sole discretion of the City and subject to the financing.

**The motion was carried 5-0 on roll call vote.**

#### **10B) Threshold Inspector Selection Recommendation for the Community Center Construction Project (RFQ No. 03-08/09)**

City Manager Borgmann handed out a document with additional information pertaining to this agenda item. He explained that the Threshold Inspector Selection Committee reviewed the RFQ responses received by the City, conducted interviews and ranked the top three candidates for this position.

The City Manager explained that the Threshold Inspector position maintains direct responsibility for inspecting the job site and reporting directly to the City's building official; because the position is very technical in nature, he would ask Council to accept the recommendation of the Committee to award the contract to Pistorino & Alam Consulting Services, a company that is well known and highly regarded by the City and has an excellent industry reputation. In the event that a contract cannot be negotiated with them, the Committee recommends and ranks Nodarse & Associates, Inc. and Nutting Engineers of Florida, Inc., as numbers two and three in order of selection.

City Attorney Seiden noted that Statute No. 287-055 requires that there be a ranking of at least three candidates. He advised that Council is also free to conduct further interviews, though a complete package of the lengthy interview and ranking process conducted by the Committee has been provided for review. He reiterated that this group will report directly to the building official and that the work is very technical in nature.

In response to Councilman Espino's question, City Attorney Seiden replied that the interviews and rankings conducted by the Committee satisfy the requirements of the Statute.

In response to Councilwoman Ator's question, City Manager Borgmann replied that the City has used Pistorino & Alam for a feasibility study to reconstruct the existing recreation center. He had also been aware of their reputation through contacts in the County.

City Attorney Seiden said that they were also involved in an independent review of a construction project on N. W. 36<sup>th</sup> Street that had been in litigation/mediation/arbitration for a number of years; the City became aware of the company during this project. He expressed the opinion that all three companies were held in high regard; it was just a matter of whether a contract could be negotiated.

Vice Mayor Best attested to the integrity and engineering skills of the Pistorino group through his experience with the County.

**Vice Mayor Best moved to authorize the Administration to negotiate a contract with Pistorino and Alam first, Nodarse & Associates second, and Nutting Engineers of Florida third. Councilman Lob Seconded the motion which was carried 5-0 on roll call vote.**

**10C) Authorization for the Filing of the 2009 Byrne Grant Application in the Amount of \$21,701.00**

City Manager Borgmann advised that many of the grants that the City applies for requires that the granting agencies receive a stamp of approval for the project from the governing bodies. Staff is requesting that Council allow the Administration to move forward with this grant. He pointed out that there is no local match of funding involved, and a public hearing must be scheduled on April 27<sup>th</sup>. Chief of Police Baan is available to answer any questions Council might have regarding the actual use of the funds.

Chief of Police Baan congratulated each of the Council members, and said he was looking forward to working with them for the next two years. He explained that this grant became available by virtue of the Recovery Act of 2009, and the Police Department planned to use the funds for crime prevention/surveillance task force.

**Councilman Lob moved to authorize the process to go forward and to hold a public hearing. Vice Mayor Best seconded the motion.**

In response to Councilwoman Ator's question, City Attorney Seiden reiterated that the motion authorizes the process to move forward and authorize a public hearing on April 27<sup>th</sup>.

City Manager Borgmann noted that in the past, the Byrne Grants have averaged anywhere from \$3,000 to \$5,000.

The Chief of Police added that the grants originally started at around \$20,000, but gradually decreased through the years. The City no longer received the grant money once it dipped below \$5,000, and has not received it in several years.

**The motion was carried 5-0 on roll call vote.**

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Chief of Police Baan advised that the Police Department had prepared key cards to the electronic security door system for the new Council members. He asked that they stop by the CPO to have their pictures taken, or e-mail a picture so they can attach them to the cards.

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**10D) Recommendation that Council Award the Annual Fireworks Contract to Firepower Displays Unlimited, Inc., in the Amount of \$15,000.00, Per Section 33.11 (E) (5) of the City Code, Utilizing the City of South Miami Contract # 07-PR-C17**

City Manager Borgmann stated that the correct Section of Code is 31.11 (E) (5). He explained that the City puts in \$12,000 and the Village of Virginia Gardens adds \$3,000 towards the cost. This company has provided the Fourth of July fireworks show for at least the past ten years. Last year's display was cut short because of the weather, so he would suggest that an alternate "rain out" date be considered in the future; this year the 4<sup>th</sup> of July falls on a Saturday, so the alternate date might be on Sunday.

**Vice Mayor Best moved the item. Councilman Lob seconded the motion which was carried 5-0 on roll call vote.**

**10E) Discussion Regarding Garage Sales to Consider the Recommendations of the Code Review Board at their Meeting of February 26, 2009**

City Manager Borgmann asked for discussion regarding the recommendations of the Code Review Board; the item was held until the new Council was seated.

City Attorney Seiden stated that when the item first came up for review, he felt the current ordinance just needed better enforcement. He has no objections to the suggestions made by the Code Review Board to limit the number of sales to two per year and impose graduated fines; that is up to the discretion of Council. He strongly objected to the word "clearly", as he felt that would make the ordinance harder to enforce.

In response to Councilwoman Ator's question, City Attorney Seiden advised that if Council voted to make any changes, he would rewrite them into the ordinance. Council is under no obligation to make a decision at the moment; the issue could be rescheduled for another agenda if they so desired. He reiterated that he strongly objected to the word "clearly" as made in the suggestion, and said that he could meet with Code Compliance Supervisor Ziadie to clarify some of the language. One of the problems that caused the most discussion is how to determine what constitutes 'new' merchandise and how to enforce those parameters.

Vice Mayor Best suggested that the new council members be allowed the time to review the Code as it was written so they could determine how the changes would affect the ordinance.

Mayor Bain noted that most of the problems stem from a particular yard sale. He felt that the Code Review Board made some good suggestions, but the biggest issue was making the determination between 'new' and 'used' merchandise. He would favor letting the last change to the ordinance run its course and revert back to the original wording in November of 2009.

Councilman Espino agreed that it seems to be more of an enforcement issue, though he thought the Board made some good suggestions. He did not believe that reducing the number of sales allowed or the fines would prevent anyone from selling new merchandise. He would recommend that the change to the ordinance run its course, and the Administration ask for stricter enforcement of the ordinance.

City Attorney Seiden agreed, and advised that Council could establish policy and direct the City Manager to ask the Code Compliance Department to be more vigilant in their enforcement of the ordinance.

City Manager Borgmann noted that Code Compliance was having a difficult time determining whether merchandise was new; the sale in question usually has multiple dining and or bedroom sets available. Common sense would dictate that a three bedroom house could not hold that much merchandise for a garage sale. He reiterated that the problem was generated from one or two locations in particular that periodically held sales.

Further discussion ensued regarding enforcing the Code when it appears that only one or two locations within the City are in violation.

In response to Councilwoman Ator's question, City Manager Borgmann advised that residents are required to inform the Building Department when they are going to hold a garage sale. Code Compliance monitors the sales on the weekend and keeps records.

The ordinance could be reviewed in November when it sunsets. Code Enforcement will be asked to request help or direction from Council if needed.

**No action was taken.**



**10F) Recommendation that Council Award Bid No. 05-08/09 for the Senior Center Acoustical Ceiling, Bid No. 06-08/09 for the Senior Center Floor Leveling and Bid No. 07-08/09 for the Senior Center Vinyl Tiling to PDG Builders, Inc., in the Amount of \$101,528.00**

City Manager Borgmann explained that the bid was broken into three separate sections to potentially realize some savings to the City; however the Building Official advised that the City would be much better off going with one contractor for the whole job, which would be responsible for all phases of the project. Some of the funding has been available for some time, but a recent grant from the State of Florida put the City over the top. The City received a grant of \$101,269 which required a cash match of \$17,630 that is in the general revenue fund. The City will be receiving in-kind contributions from the Public Works Department to move all the tables, chairs, books etc. that are housed in the Center to a storage location. A study by Post, Buckley, Schuh & Jernigan that was done several years ago regarding the flooring at the Center was also claimed as an in-kind contribution. Commissioner Sosa has given the City \$6,000 towards the ceiling and Grace Lutheran Church contributed \$2,000.

City Manager Borgmann noted that the bids were submitted and reviewed; some were disqualified for various reasons on the recommendation of the Building Official. PDG Builders, Inc. was selected as the most qualified general contractor for the project.

City Attorney Seiden said that Elderly Services Director Karen Rosson and Tammy Romero in Procurement, both deserve recognition for their input into determining the best qualified company for the project. He reiterated that the advantage of having a single contractor for all three phases of the project allows more control, in addition to saving the City a 10% discount. The project needs to be expedited so as not to lose the money from the State, not to mention the fact that the seniors are dealing with difficult circumstances with the condition of the building.

City Manager Borgmann congratulated Grant Writer Carol Foster for her help in obtaining the grant money for the City.

In response to Vice Mayor Best's question, City Manager Borgmann replied that the non-responsive bids did not necessarily mean that bidders did not respond to the request, but may not have responded to all of the conditions and requirements that the City included in the request; forms and documents were missing or material was proposed that would not be suitable for the project.

Mayor Bain asked where the seniors would be housed during the construction period, and how long that period was estimated to be.

City Manager Borgmann said that the project is estimated to take about six weeks and the seniors would be relocated to the Cavalier annex. The intent is to have the project complete before school lets out and the summer program starts.

In response to Vice Mayor Best's question, City Manager Borgmann replied that the window for the state money is flexible as long as the City files regular status reports.

Mayor Bain asked that the entrance the seniors would be using be inspected to ensure there would be no problems with accessibility.

**Vice Mayor Best moved the item. Councilwoman Ator seconded the motion, which was unanimously carried on roll call vote.**

**10G) Consideration of Scheduling a Workshop Meeting to Discuss the City's Goals and Objectives on Wednesday, April 22, 2009 at 7:30 p.m.**

Mayor Bain stated that he is interested in giving the new Council members the chance to present and discuss their ideas, and to consider projects and goals that Council can work towards in the next two years. He said there was also a possibility that the Administration might have more information regarding annexation that could be discussed.

By consensus, Council **scheduled** a Special Meeting, rather than a Workshop meeting, on Wednesday, April 22, 2009 at 7:00 p.m.

**11. Other Business:**

**11A) Rescheduling of the May 25, 2009 Regular Meeting due to the Memorial Day Holiday**

Mayor Bain commented that since they had to discuss the rescheduling of this meeting due to the holiday, he would also like to suggest that future Council meetings be moved from Monday nights to Tuesday nights. Since the agenda packets go out on Thursday evenings, this would give Council members an additional day to review the material and make preparations.

It was decided to add the suggestion to move the Council meetings to Tuesday nights to the agenda for the next meeting, when it can be further discussed.

**Vice Mayor Best moved to reschedule the meeting to Tuesday, May 26th. Councilman Lob seconded the motion which was carried 5-0 on voice vote.**

**12. Reports & Recommendations:**

**12A) City Attorney**

**Congratulations**

City Attorney Seiden congratulated and welcomed the new Council members. He said that he and the City Manager conducted individual orientation meetings with the new Council members on Friday, April 10<sup>th</sup>. He is looking forward to good times ahead and moving the City forward.

## **Alcoholic Beverage Permit**

City Attorney Seiden stated that the head of the Department of Alcoholic Beverages asked that the City inform those who request a temporary permit, either for the Springs River Festival or future events to pick up the permit once it is applied for and to post it at the place of activity as required by law.

## **12B) City Manager**

### **Congratulations**

City Manager Borgmann congratulated the Council members on their election to office, which he knows was hard work. He wished them the very best and hopes that they have a very successful and productive two years together.

### **Traffic Calming on the Circle**

City Manager Borgmann reported that the County approached the City with a complete plan for traffic calming on the Circle and he asked them to present the plan to Council. Post, Buckley, Schuh & Jernigan prepared a plan for the Circle years ago and the two plans are very similar. The County is proposing to narrow the traffic down to one lane in certain areas. The County has agreed to meet with him to review the Post Buckley plan before they make their presentation to Council.

### **Hurricane Seminar**

City Manager Borgmann announced that he will be attending a Florida League of Cities Hurricane Seminar in the City of Sunrise on Monday, April 20, 2009 with Assistant City Manager Gorland, Chief of Police Baan and Public Works Director Robert Williams.

### **City Auction**

City Manager Borgmann stated that the City will be involved in an auction of surplus equipment and older vehicles on Saturday, April 25<sup>th</sup>. This will be a joint auction with the City of North Miami Beach that will begin at 10:00 a.m. at 2101 N. E. 159<sup>th</sup> Street.

## **Bond Rating**

City Manager Borgmann explained that on Friday, April 17<sup>th</sup>, he, Assistant City Manager Gorland and Finance Director Robinson will participate in a conference call with Moody's, a bond rating agency, to answer a series of questions that were forwarded to the City.

## **Springs River Festival**

City Manager Borgmann announced that the Springs River Festival would begin this weekend on Friday, April 17<sup>th</sup>. The River Cities Gazette normally publishes a special issue and he will contact the Festival Committee to determine if they are holding a kick-off parade.

## **Summer Camp**

City Manager Borgmann reported that Recreation Summer Camp sign-ups began today and anyone interested should sign up as soon as possible. Registration is open for residents for the next three weeks and then non-residents can register based on available space. Some of the age categories are almost full.

## **Annexation Application**

City Manager Borgmann reported that the annexation application is basically complete, the numbers were updated and the City Attorney re-drafted the language regarding the Terminal Ordinance. The application was sent to the Corradino Group.

## **Shuttle Route**

City Manager Borgmann referred to a revised Shuttle route that was distributed to Council, which is ready to be printed. The route was changed to Oakwood Drive in order to make it safer for kids getting off and on the bus and people who were trying to access the bus from N. W. 36<sup>th</sup> Street.

## **North Royal Poinciana Barrier**

City Manager Borgmann stated that the County agreed to place a couple of openings in the barrier along the North Royal Poinciana bike path per the residents' request.

## **Thank You**

City Manager Borgmann thanked City Clerk Magalí Valls, Chief of Police Baan, Carlos Santana and everyone who helped to make the election run smoothly. The Police Department did a great job in controlling the traffic and allowing easy access to the polling place. Overall, it was a very successful election with more people voting early and casting absentee ballots.

## **Condolences**

City Manager Borgmann extended the City's condolences to former Public Works Director Clarence Patterson whose son passed away.

## **12C) City Council**

### **Election**

Councilwoman Ator stated that she was happy to be elected to Council.

### **Summer Camp**

Councilman Lob stated that he was at the Recreation Center at 7:30 a.m. and there were people waiting in line to register for the Summer Camp Program. He is hoping that the new Community Center will allow more space to accommodate the kids who want to participate in the program.

City Manager Borgmann explained that space is limited because the Cavalier Annex cannot accommodate all the kids on a rainy day and the gym is too hot. The new gymnasium will be twice as large, air conditioned and accommodate more people.

### **Fallen Tree**

Councilman Espino received complaints from residents about a fallen tree along the canal to the east of 94 South Royal Poinciana Boulevard.

### **Street Light**

Councilman Espino reported that he received several complaints about a street light with exposed wiring in the 500 Block of La Villa Drive.

## **Springs River Festival**

Councilman Espino reported that the Chamber of Commerce is hosting a “Jazzy Picnic” on the Circle from 1:00 to 3:00 p.m. on Sunday, April 19<sup>th</sup> as part of the Springs River Festival. Everyone is invited to attend.

## **Traffic Control**

Vice Mayor Best agreed with the City Manager that the Police Department did an excellent job controlling the traffic on Curtiss Parkway the day of the election. He received comments from many people that they would like the Police Department to do that once a month in order to help control the cut-through traffic.

## **Sympathy**

Vice Mayor Best reported that Kenny Dayberry, a part-time employee at the Golf Course, passed away on Wednesday, April 8<sup>th</sup>. Since he had no family and no will he contacted the County and Hanks Funeral Home to secure the ashes. Carlos Santana offered to provide a room for the services. He suggested that a marker could be placed on the Golf Course in his honor.

## **Sympathy**

Vice Mayor Best announced that South Miami Commissioner Joe Beckman met with tragedy in an unfortunate accident. He met Joe many times on his trips throughout the State with the Florida League of Cities and he extends his prayers.

## **Welcome**

Vice Mayor Best welcomed Councilman Espino, Councilman Lob and Councilwoman Ator. He is excited and looking forward to two years of positive work.

## **Facebook**

Mayor Bain stated that many cities are setting up Facebook profiles on the internet in order to promote their programs. He said that it might be a good idea to promote the Golf Course and City activities. He would like more information to give him an idea of what can be done.

## **Springs River Festival**

Mayor Bain said that he was looking forward to the Springs River Festival and seeing many people from out of town.

## **Welcome**

Mayor Bain welcomed Councilman Espino, Councilman Lob and Councilwoman Ator. He looks forward to working with them.

## **13. Adjourn.**

There being no further business to be discussed the meeting was adjourned at 9:36 p.m.

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Billy Bain  
Mayor

## **ATTEST:**

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Magalí Valls, CMC  
City Clerk

Approved as written during meeting of: 4/27/2009.

Transcription assistance provided by S. Hitaffer and M. Newton